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**FEB 27 2008**

**OFFICE OF PETITIONS**

In re Application of  
Nigel C. Paver  
Application No. 09/748,165  
Filed: December 27, 2000  
Attorney Docket No. 884.A96US1

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup>, filed October 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned January 27, 2005 for failure to timely reply to the final Office Action mailed October 26, 2004 which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed January 29, 2007.

Petitioner has submitted a Request for Continued Examination (RCE), an amendment as the submission required under 37 CFR 1.114 and a three month extension of time. A supplemental amendment was also filed November 12, 2007.

The RCE is accepted however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1050.00 extension of time fee submitted with

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<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b) ~~granted~~ granted petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

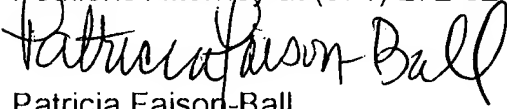
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

the RCE on October 5, 2007, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account no. 19-0743.

This matter is being referred to Technology Center 2183 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions